

**SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS**

RESOLUTION NO. 2026 - 020

A RESOLUTION TO DECLARE THE INTENT OF THE GOVERNING BODY OF SANTA FE COUNTY, NEW MEXICO TO CONSIDER FOR ADOPTION A RESOLUTION APPROVING THE FORMATION OF THE ESENCIA PUBLIC IMPROVEMENT DISTRICT (THE “DISTRICT”) FOR THE PRINCIPAL PURPOSES OF FINANCING THE COSTS OF ACQUIRING, OPERATING AND MAINTAINING CERTAIN PUBLIC IMPROVEMENTS BENEFITTING THE DISTRICT; APPROVING, SUBJECT TO FURTHER PROCEEDINGS OF THE BOARD OF COUNTY COMMISSIONERS, THE GENERAL PLAN AND FEASIBILITY STUDY FOR THE DISTRICT

WHEREAS, the Legislature of the State has enacted the Public Improvement District Act, NMSA 1978, Sections 5-11-1 to -27 (2001, as amended through 2019) (the “Act”), pursuant to which the governing body of a county may authorize the formation of public improvement districts in compliance with the Act and any local policy guidelines; and

WHEREAS, Santa Fe County, New Mexico (the “County”) has enacted the Santa Fe County Sustainable Land Development Code (the “SLDC”) and the Santa Fe County Public Improvement District Policy and Application Procedures (the “County PID Application Guidelines” and together with the SLDC are collectively, the “PID Policy”), which together provide policy guidelines for the establishment of public improvement districts within the County; and

WHEREAS, pursuant to NMSA 1978, Section 5-11-3 (2013) upon receipt of a petition bearing the signatures of the owners of at least twenty-five percent (25%) of the real property located within a proposed public improvement district by assessed valuation, the Governing Body of the County (the “Governing Body”) may adopt an intent resolution confirming the acceptance of the Petition by the County and declaring its intent to form a public improvement district; and

WHEREAS, the formation of a public improvement district may result in the levy of property taxes or the imposition of special levies to pay the costs of public infrastructure constructed by that public improvement district and for its operation and maintenance and may result in the assessment of fees or charges to pay the cost of providing enhanced services; and

WHEREAS, Esencia Holdings, LLC a Delaware limited liability company (the “Holding Company”) and Santa Fe Land Development Partners, LLC a New Mexico limited liability company (the “Developer”) (the Holding Company and the Developer are, collectively, the “Applicants”) and have submitted to the County a petition and application (together, the “Application”) requesting the formation by the County of the District for the purpose of financing the costs of acquiring certain public infrastructure to serve the Esencia project, and funding the operation and maintenance of public infrastructure owned by the District; and

WHEREAS, the Application includes a proposed general plan for the District, including a map of the District and documents containing other information regarding the proposed District (the “General Plan”) in satisfaction of the requirements of NMSA 1978, Section 5-11-3 (2013) and Section 3.2 of the County PID Application Guidelines, which General Plan is on file with the County Clerk; and

WHEREAS, the Application includes a study of the feasibility, the financing and the estimated costs of improvements and corresponding benefits to result from the formation of the proposed District (the “Feasibility Study”); and

WHEREAS, the Application includes a petition bearing the signatures of the owner(s) of 100 percent of the real property to be included in the District; and

WHEREAS, the Board of County Commissioners desires to indicate its intent to consider for adoption a resolution ordering the formation of the District as provided by NMSA 1978, Sections 5-11-3 (2013) and -6 (2019) and the PID Policy.

NOW, THEREFORE, BE IT RESOLVED by the Santa Fe County Board of County Commissioners that:

Section 1. All actions (not inconsistent with the provisions hereof) heretofore taken by the Governing Body and the officers and employees of the County, related to the Application are ratified, approved and confirmed.

Section 2. The Application is on file with the County and is hereby accepted for further proceedings of the Board of County Commissioners to be held at a public hearing as set forth in Section 8 of this Intent Resolution.

Section 3. The area to be included within the District is described in the map of the District included as part of the General Plan, which was filed with the County Clerk prior to the date of adoption of this Intent Resolution.

Section 4. The District is to be formed for the certain purposes which include financing the costs of acquiring, operating and maintaining certain public infrastructure improvements, as that term is defined in the Act, in accordance with the General Plan and Feasibility Study. As described more specifically in the General Plan, the public improvements include, but are not limited to, onsite roads, sanitary sewer, water, drainage, and earthwork improvements, including associated landscaping, grading, and soft costs, and offsite infrastructure improvements, including sanitary sewer lines connecting the District's on-site sewer system to the County's Quill Wastewater Treatment Plant allocable to the District, and off-site road improvements in the form of Developer's \$2 million contribution towards the County's Avenida del Sur West Extension project allocable to the District.

Soft costs may include, but are not limited to, the cost of planning, design, engineering, fees, permits, construction inspection and administration, permitting, staking, testing, gross receipts taxes, contingencies, and financing and/or carrying costs.

Section 5. The formation of the District may result in the imposition of special levies to pay the costs of public infrastructure improvements benefitting the District, as well as the operation and maintenance costs of certain public infrastructure to be owned and maintained by the District. A Rate and Method of Apportionment of Special Levy, which includes the manner of collection of the special levies, has been prepared, in sufficient detail to enable each prospective owner or resident within that proposed District to estimate the maximum amount and term of the proposed special levies applicable to its real property.

Section 6. The Application requests that that the District, if formed, will, among other things, have the power to do the following:

A. impose one or more special levies in an amount not to exceed the maximum allowable rate of special levy for a class of property within the District, which shall not cause the total tax and assessment obligation for such property, including projected ad valorem taxes, special levies and special assessments, to exceed 1.99% of the anticipated market value of a class of

property as determined by the then current MAI Appraisal, as required by NMSA 1978, Section 5-11-20; and

B. issue one or more series of special levy revenue bonds and/or subordinate obligations secured by the special levy of the District pursuant to the Act.

Section 7. The District will be governed by the Governing Body of the County.

Section 8. At its February 10, 2026, meeting, the Board intends to consider for adoption a resolution forming the District pursuant to the Act. Because the Application is signed by 100% of the owners of all the land in the proposed District, the Applicants have provided a formal written waiver of all publication requirements, and no individuals are under contract to purchase any home within the District, if the Application is approved, the County intends to waive all requirements of posting, publication, mailing, notice, and owner determination, as authorized by NMSA 1978, Section 5-11-7(F) (2019). Furthermore, since no person is registered to vote within the proposed area within the District, there will be no elections concerning the formation of the District pursuant to NMSA 1978, Section 5-11-7(G) (2019).

Section 9. If any section, paragraph, clause or provision of this Intent Resolution is for any reason held to be invalid or unenforceable, the invalidity or unenforceability of such section, paragraph, clause or provision will not affect any of the remaining provisions of this Intent Resolution.


Section 10. All orders and resolutions, or parts thereof, in conflict with this Intent Resolution are repealed; provided that this repealer will not be construed to revive any order, resolution or part thereof, heretofore repealed.

PASSED, APPROVED, AND ADOPTED ON THIS 27th DAY OF January, 2026.

**SANTA FE COUNTY
BOARD OF COUNTY COMMISSIONERS**

By: 
Justin S. Greene, Chair

ATTEST:


Katharine E. Clark
Santa Fe County Clerk

Date: 1/29/2026

